

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/814,648

Attorney Docket No. Q80869

AMENDMENTS TO THE DRAWINGS

Please replace Figs. 15-17C with the enclosed Replacement Sheets in which Figs. 15-17C have been labeled as "PRIOR ART"

Attachment: Replacement Sheets

REMARKS

Claims 1-9 have been examined, and claims 10-16 have been withdrawn from consideration for being directed to a non-elected species. Of the examined claims, claims 1-7 have been rejected under 35 U.S.C. § 102(b), and claims 8 and 9 have been rejected under 35 U.S.C. § 103(a).

I. Objection to the drawings

The Examiner has objected to the drawings because Figs. 15-17C should be labeled as “PRIOR ART.” Applicants submit that the amendments to the drawings overcome the objection.

II. Rejection under 35 U.S.C. § 102(b) over U.S. Patent No. 5,486,854 to Uchida (“Uchida”)

Claims 1-7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Uchida.

A. Claim 1

Applicants submit that claim 1 is patentable over Uchida. For example, claim 1 comprises control means that stops a roller member at a predetermined position based on an information on a phase of a rotational motion of the roller member. Furthermore, the predetermined position is a position other than a leak point where a pressing deformation amount of a curved part of a tube member becomes insufficient.

The Examiner contends that column 9, lines 32-36, of Uchida teaches a predetermined position that is a position other than a leak point where a pressing deformation amount of a curved part of a tube member becomes insufficient. However, Applicants respectfully disagree.

For example, the cited portion of the reference merely explains that the timing at which a pressure roller 7 starts contacting a tube 3 and/or the timing when such contact ends is different

for each tube 3 in the different rollers 7a, 7b, 7c, and 7d. Clearly, this portion, as well as the remaining portions of the reference, do not suggest a predetermined position, which is other than a leak point, as claimed.

In addition, claim 1 states that the curved part of the tube member is in a circular ring shape. On the other hand, as shown in Fig. 3, 6, 13, 14, 17, and 18, the tube members 3 have a semicircular shape.

In light of the discussion above, Applicants submit that claim 1 is patentable over Uchida.

B. Claim 2

Since claim 2 has been canceled without prejudice or disclaimer, the rejection of the claim is moot.

C. Claims 3 and 4

Since claims 3 and 4 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

D. Claims 5 and 6

Since claims 5 and 6 have been canceled without prejudice or disclaimer, the rejection of the claims is moot.

E. Claim 7

Since claim 7 depends upon claim 1, Applicants submit that it is patentable at least by virtue of its dependency.

III. Rejection under 35 U.S.C. § 103(a) over Uchida and U.S. Patent No. 6,291,815 to Sugiyama et al. (“Sugiyama”)

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida and Sugiyama. Since claims 8 and 9 depend upon claim 1, and since Sugiyama does not cure the deficient teachings of Uchida with respect to claim 1, Applicants submit that claims 8 and 9 are patentable at least by virtue of their dependency.

IV. Newly added claims

Applicants have added new claim 17-19. Since Uchida and Sugiyama do not suggest the claimed control means in claim 17, Applicants submit that the claim is patentable at least by virtue of its dependency. Also, since claims 18 and 19 contain features that are similar to the features recited in claim 1 or 17, Applicants submit that they are patentable for similar reasons.

V. Conclusion

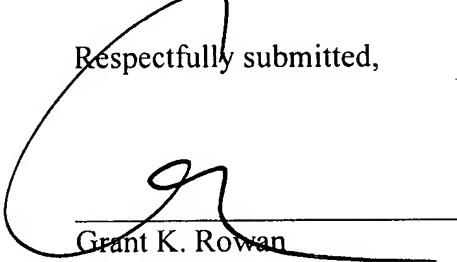
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,


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